

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**FRESNO BEVERAGE COMPANY, INC.
d/b/a VALLEY WIDE BEVERAGE COMPANY**

and

Case 32-CA-185753

JAMES HOWARD

and

Case 32-CA-185758

DANIEL NIETO

ORDER

The General Counsel's Motion for Summary Judgment is denied. The General Counsel has failed to establish that there are no genuine issues of material fact warranting a hearing and that he is entitled to judgment as a matter of law.

Dated, Washington, D.C., May 12, 2017.

PHILIP A. MISCIMARRA,

CHAIRMAN

MARK GASTON PEARCE,

MEMBER

LAUREN McFERRAN,

MEMBER